

### **REMARKS**

Applicants appreciate the thorough examination of the present application that is reflected in the Office Action of March 30, 2007. In response, Applicants have amended Claims 1, 10, 17, 19 and 25 and canceled Claim 16. Claims 1-4, 10-15, and 17-26 are now pending in the present application. Applicants submit that all pending claims are in condition for allowance for the reasons that will be discussed in detail below.

#### **Interview Summary**

Applicants appreciate the courtesies that were extended to the undersigned by Examiner Sing during a telephone conversations on June 12 and 13, 2007. Applicants' representative, Timothy J. Wall telephonically contacted Examiner Sing regarding the Office Action on June 12, 2007. Applicants' representative indicated that, in view of the allowed claims, Applicants suggested to allow Examiner Sing to cancel all non-allowed claims in order to expedite the issuance of the application. Examiner Sing indicated that he would investigate Applicants' request. On June 13, 2007, Examiner Sing telephoned Applicants' representative and indicated that, after another review of the claims, another search would be required before allowing Claims 20-24.

Applicants respectfully appreciate Examiner Sing's assistance in discussing the rejections and efforts to advance the prosecution in the present application. In light of the change in position regarding the allowed claims, Applicants provide amendments and remarks directed to the previously non-allowed claims. Applicants respectfully request, however, that any new rejection be made non-final since the new search is necessitated regarding the previously non-rejected claims and not Applicants' amendments.

#### **Allowable Claims 20-24**

The Office Action indicates that Claims 20-24 are allowable because the prior art of record fails to teach the claimed subject matter. Office Action, page 10. Applicants appreciate the indication of allowable subject matter over the art of record. In view of Examiner Sing's statements, as discussed above, that a new search will be conducted before

allowing Claims 20-24, Applicants respectfully request that any subsequent rejection of these claims be made non-final.

**Claim 25 is Patentable under 35 U.S.C. §112**

The Office Action rejects Claim 25 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In rejecting Claim 25, the Office Action states that:

applicant claims a request based on a caller voice activated dialing instruction, and the caller has not initiated a call corresponding to the request. It is confusing that how can a seller (user) utter a voice activated dialing instruction, but not initiate call.

Office Action, page 2. Applicants respectfully submit that Claim 25 is amended to clarify that the caller has not initiated a call to the directory number corresponding to the request. Applicants respectfully submit that the clarifying amendment to Claim 25 overcomes the rejection under 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request that the §112 rejection of Claim 25 be withdrawn.

**Independent Claims 1 and 10 are Patentable over Borcharding**

Claim 10 stands rejected as anticipated by U.S. Patent No. 5,165,095 to Borcharding ("Borcharding"). Claim 10, as amended, recites:

A method for voice activated dialing (VAD) of a call, comprising:  
receiving, in a VAD call that is initiated by a VAD initiated instruction  
in a user device, a VAD instruction with call destination information;  
failing to find a call destination number corresponding to the call  
destination information *in a first directory in the user device*;  
*translating the call destination information into data in response to*  
*failing to find the call destination number* corresponding to the call  
destination information in the first directory in the user device; and  
using the data to obtain the call destination number.

*(Emphasis added.)*

Applicants respectfully submit that Borcharding generally describes a voice-directed dialing method using templates that are stored in a central database 13 or in local call processing stations 10. Borcharding, column 3, lines 45-59. Specifically, Borcharding

appears to describe using voice activated dialing with a combination of speaker dependent and speaker independent templates to dial a telephone. *See, e.g.*, FIG. 2, blocks 22, 25, 29 and 31; column 2, lines 9-17. Thus, all templates appear to reside at either a local call processing station or a central database.

Accordingly, Borcharding does not disclose or suggest, among other things, "failing to find a call destination number corresponding to the call destination information *in a first directory in the user device*," as recited in Claim 10. Since Borcharding appears to describe using templates stored in a central database or local call processing stations, any directory used therein is not "in a first directory in the user device," as recited in Claim 10.

Further, Borcharding does not disclose or suggest "translating the call destination information into data *in response to failing to find the call destination number*," as recited in Claim 10. The portion of Borcharding cited in Office Action as teaching translating the call destination information into data states that "the VRP receives the signal data for the dial command." Borcharding, column 5, lines 32-33. Applicants respectfully submit that the cited portion does not disclose or suggest any translating functions or activity. Moreover, Applicants respectfully point out that even if translating call destination information into data is described in some oblique manner, there is no suggestion that such translation is being performed responsive to "failing to find the call destination number," as recited in Claim 10. For at least these reasons, Applicants respectfully submit that Claim 10 is patentable.

Applicants submit that independent Claim 1, which stands rejected as anticipated by Borcharding, is patentable for at least similar reasons. Claim 1 is amended to include similar recitations to the "failing to find a call destination number in a first directory in the user device," of Claim 10. For at least similar reasons discussed above regarding Claim 10, Applicants submit that independent Claim 1 is patentable over Borcharding.

#### **Independent Claims 1 and 10 are Patentable**

Claim 1 stands rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,835,570 to Wattenbarger ("Wattenbarger") in view of U.S. Patent No. 6,404,876 to Smith et al. ("Smith") and further in view of U.S. Patent No. 5,165,095 to Borcharding ("Borcharding"). Applicants respectfully traverse the rejection on the basis that neither

Wattenbarger, Smith, Borcharding, nor a combination thereof disclose or suggest all recitations of Claim 1. For example, Claim 1 recites, in part, ***receiving a call initiated by a voice activated dialing (VAD) instruction in a user device***. As discussed in the telephonic interview, none of the cited references appear to disclose or suggest that the voice activated dialing instruction/module is in a user device or premises.

Wattenbarger generally describes a voice-directed dialing method using a system for using directory assistance with a spoken voice label. Wattenbarger, column 2, lines 30-33. Specifically, Wattenbarger describes **dialing a service number** to access a voice activated directory assistance and **then using a voice label** to look up and route the call. Thus, the call is initiated by numerical dialing before any voice related operation is undertaken. *See, e.g.*, FIG. 3, block 101; column 3, lines 23-26. Thus, dialing a service number to access a directory assistance system is not initiated by voice activated dialing. Accordingly, Wattenbarger does not disclose or suggest, among other things, "receiving a call initiated by a voice activated dialing (VAD) instruction in a user device," as recited in Claim 1, as amended.

In rejecting Claim 1 the Office Action states that:

Smith teaches a voice activated dialing, such as "call Mike", "call doctor" or "call home" can be activated (initiated) as soon as the phone is off hook, or activated via an access number (column 2, lines 9-17).

Office Action, p. 7. In the section following the cited portion above, Smith further describes that "[t]ypically a stand alone voice recognition processor is located in a local central office near the subscriber as an adjunct to the switch." Smith, column 2, lines 17-19. Thus, Smith appears to describe that the voice recognition is not performed in a user device, as would be likely be the circumstance of a voice activated dialing instruction in a user device. Accordingly, Applicants note that the cited portion of Smith does not disclose or suggest "a voice activated dialing (VAD) instruction in a user device," and the operations that take place therefrom as recited in the remainder of Claim 1.

In rejecting Claim 1, the Office Action states that Borcharding teaches:

a centralized voice dialing system, in that a caller initiates a call by issuing a voice dialing directive such as "call home" or "call Uncle Joe" after

hearing a dialing tone or a prompt (column 5, lines 10-13; column 3, lines 23-31).

Office Action, p. 8. Applicants note that Borcharding states that:

[a] dial command spoken by the caller is then detected and a local data base containing speaker independent speech recognition templates is accessed. The templates of this local database are compared to the dial command, so that dialing instructions can be recognized and executed.

Borcharding, column 2, lines 9-15. Although Borcharding appears to compare templates in a local database, "[t]hese templates are downloaded from a central database to a local database in a local station in communication with the caller's telephone." Borcharding, column 2, lines 7-9. Thus, in contrast with "a voice activated dialing (VAD) instruction in a user device," as recited in Claim 1, the voice recognition in Borcharding appears to be performed in a local station.

Accordingly, neither Wattenbarger, Smith, Borcharding, nor a combination thereof disclose or suggest all recitations of Claim 1, as amended. Applicants respectfully submit that for at least these reasons, Claim 1 is patentable over Wattenbarger in view of Smith in further view of Borcharding. For at least similar reasons discussed above regarding Claim 1, Applicants submit that independent Claims 10 and 20, as amended, are patentable over Wattenbarger in view of Smith in further view of Borcharding.

#### **The Dependent Claims are Patentable**

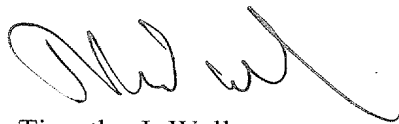
Dependent Claims 2-4, 11-15, 17-19, and 26 are patentable at least by virtue of the patentability of the various ones of independent Claims 1, 10 and 25, from which they depend.

In re: Bishop et al.  
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### CONCLUSION

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,




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### CERTIFICATION OF TRANSMISSION

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